

ESTTA Tracking number: **ESTTA696589**

Filing date: **09/17/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Jai Group, S.A.		
Entity	Sociedad Anonima	Citizenship	Panama
Address	Calle 13 y 14, Ave Santa Isabel Zona Libre de Colon, PANAMA		

Attorney information	ALBERT BORDAS, ESQ. ALBERT BORDAS, P.A. 5975 SUNSET DR STE 607 MIAMI, FL 33143-5174 UNITED STATES tm@bordasiplaw.com Phone:(305) 669-9848
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Registration Subject to Cancellation

Registration No	4358012	Registration date	06/25/2013
Registrant	Genesis NYC Enterprises, Inc. 1201 Broadway #603 New York, NY 10001 UNITED STATES		

Goods/Services Subject to Cancellation


Class 014. First Use: 2010/08/05 First Use In Commerce: 2010/08/05 All goods and services in the class are cancelled, namely: Bracelets; Earrings; Jewelry; Necklaces; Rings; Watches
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	4756033	Application Date	11/10/2014
Registration Date	06/16/2015	Foreign Priority Date	NONE
Word Mark	TST		

Design Mark	
Description of Mark	The mark consists of a vertical arrangement resembling a dollar symbol comprising a first letter "T" positioned above a letter "S" positioned above a second letter "T".
Goods/Services	Class 014. First use: First Use: 2009/03/29 First Use In Commerce: 2009/03/29 Chronographs as watches; Chronometric instruments and watch movements; Watch bands; Watches; Watches, clocks; Wrist watches
Attachments	86449673#TMSN.png(bytes) 150916.Notice of Cancellation.tst.pdf(80527 bytes) Exhibit.A.certificate.reg.TST& Design.86449673.pdf(1877360 bytes) Exhibit.B.registratiopn.TS.85770092.pdf(1700266 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/ab/
Name	ALBERT BORDAS, ESQ.
Date	09/17/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark Registration No. 4358012
For the mark: TS & Design
Date registered: June 25, 2013

Jai Group, S.A.)	Cancellation No. _____
PETITIONER,)	
)	
v.)	
)	
Genesis NYC Enterprises, Inc.)	
DBA Tecno Group)	
RESPONDENT.)	
_____)	

PETITION TO CANCEL

Jai Group, S.A. ("Petitioner"), a corporation organized under the laws of Panama, with offices located at Calle 13 y 14, Ave Santa Isabel, Zona Libre de Colon, Panama, hereby petitions to cancel Registration No. 4358012 for the mark "TS & Design" for: Bracelets; Earrings; Jewelry; Necklaces; Rings; and Watches, in International Class 14, registered on the Principal Register since June 25, 2013, by Genesis NYC Enterprises, Inc., DBA Tecno Group ("Respondent").

Petitioner is being damaged by the continued registration of Registration No. 4358012 and puts forth the following grounds for cancellation:

1. Petitioner is the owner of all right, title, and interest in and to the trademark pleaded in this Petition to Cancel for use in connection with: Chronographs as watches; Chronometric instruments and watch movements; Watch bands; Watches; Watches, clocks; and Wrist watches.
2. Petitioner sells and distributes a variety of products such as Chronographs as watches; Chronometric instruments and watch movements; Watch bands; Watches; Watches, clocks; and Wrist watches under its "TST & Design" mark.

3. Petitioner adopted and commenced use of “TST & Design” as a trademark for: Chronographs as watches; Chronometric instruments and watch movements; Watch bands; Watches; Watches, clocks; and Wrist watches in 2009, and has used its mark continuously and without interruption to the present day.

4. Based on Petitioner's extensive, exclusive, and continuous use of its “TST & Design” mark in connection with: Chronographs as watches; Chronometric instruments and watch movements; Watch bands; Watches; Watches, clocks; and Wrist watches, the mark “TST & Design” has come to be recognized among the consuming public as designators of origin with respect to said products.

5. Petitioner is the owner of all right, title, and interest in and to the following federal trademark registration, which presently is valid and subsisting in law: Registration No. 4756033 for the mark “TST & Design” for: Chronographs as watches; Chronometric instruments and watch movements; Watch bands; Watches; Watches, clocks; and Wrist watches, registered on the Principal Register on June 16, 2015. Please see Exhibit A, copy of certificate of registration.

6. Petitioner has invested substantial sums in advertising and promoting the sale of its goods under its “TST & Design” mark. By reason of Petitioner's extensive, exclusive, and continuous use of its “TST & Design” mark, the relevant consuming public has come to recognize the “TST & Design” mark as being used by Petitioner to associate and identify the “TST & Design” mark with Petitioner. Petitioner has obtained and enjoys an exceedingly valuable reputation and goodwill symbolized by the “TST & Design” mark.

7. The constructive and actual dates of first use of Petitioner's “TST & Design” mark precede the filing date of the underlying application to Registration No. 4358012; the issuance date of Registration No. 4358012; and the dates of first use identified in the challenged registration.

8. On information and belief, Respondent has adopted and uses the designation “TS & Design” in connection with: Bracelets; Earrings; Jewelry; Necklaces; Rings; and Watches.

9. The products identified in the challenged registration are closely related to the products offered by Petitioner under its “TST & Design” mark.

10. The products in the challenged registration are not restricted as to types of customers and channels of trade. Please see Exhibit B, copy of certificate of registration for Registration No. 4358012 for the mark “TS & Design”.

11. The designation “TS & Design” so resembles Petitioner's “TST & Design” mark in terms of appearance, sound, connotation and commercial impression as to be likely, when applied to Respondent's products, to cause confusion and mistake and to deceive.

12. The designation “TS & Design” is confusingly similar to Petitioner's “TST & Design” mark so that continued registration of the designation would be inconsistent with and damaging to Petitioner's exclusive and prior rights in its registered marks in connection with the products with which they are used.

13. Any defect, objection or fault found with any product sold under the designation “TS & Design” would injure the valuable reputation and goodwill Petitioner has established for its products sold under its “TST & Design” mark.

14. Petitioner will continue to be damaged by registration of Respondent's designation.

WHEREFORE, Petitioner prays that its petition for cancellation be sustained and that the challenged registration be cancelled in its entirety. Petitioner hereby submits herewith the filing fee of THREE HUNDRED DOLLARS (\$300.00).

This cancellation is being filed by the undersigned attorneys at law, duly authorized to represent Petitioner in this proceeding, pursuant to Trademark Rule 2.111 (b).

Dated: September 17, 2015

Respectfully submitted,

Albert Bordas, P.A.
Counsel for Petitioner
5975 Sunset Drive
Suite 607
Miami, FL 33143

e-mail: albert@bordasiplaw.com

Tel: 305-669-9848

Fax: 305-669-9851

By: /Albert Bordas/
Albert Bordas, Esq.
FL Bar No: 330220

CERTIFICATE OF ONLINE SUBMISSION

I certify that a true and correct copy of the foregoing was filed online with the Trademark Trial and Appeal Board using ESTTA, this 17th day of September, 2015.

By: /Albert Bordas/
Albert Bordas, Esq.

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing NOTICE OF CANCELLATION was served by first class mail, postage prepaid, and fax on September 17, 2015 upon counsel for Respondent:

Clinton J. Cusick, Esq.
Cusick IP, PLLC
623 North Broad Street
Lansdale, Pennsylvania 19446

Phone: 215 853 8255

Fax: 215 647 4884

By: /Albert Bordas/
Albert Bordas, Esq.

United States of America

United States Patent and Trademark Office



Reg. No. 4,756,033

Registered June 16, 2015

Int. Cl.: 14

TRADEMARK

PRINCIPAL REGISTER

JAI GROUP, S.A. (PANAMA SOCIEDAD ANONIMA (SA))
CALLE 13 Y 14, AVE SANTA ISABEL
ZONA LIBRE DE COLON, PANAMA

FOR: CHRONOGRAPHS AS WATCHES; CHRONOMETRIC INSTRUMENTS AND WATCH
MOVEMENTS; WATCH BANDS; WATCHES; WATCHES, CLOCKS; WRIST WATCHES ,
IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 3-29-2009; IN COMMERCE 3-29-2009.

THE MARK CONSISTS OF A VERTICAL ARRANGEMENT RESEMBLING A DOLLAR
SYMBOL COMPRISING A FIRST LETTER "T" POSITIONED ABOVE A LETTER "S" POSI-
TIONED ABOVE A SECOND LETTER "T".

SER. NO. 86-449,673, FILED 11-10-2014.

CRISTIANA SCHWAB, EXAMINING ATTORNEY



Exhibit.A.certificate.reg.TST& Design.86449673

Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office



Reg. No. 4,358,012

Registered June 25, 2013

Int. Cl.: 14

TRADEMARK

PRINCIPAL REGISTER

GENESIS NYC ENTERPRISES, INC. (NEW YORK CORPORATION), DBA TECNO GROUP
1201 BROADWAY #603
NEW YORK, NY 10001

FOR: BRACELETS; EARRINGS; JEWELRY; NECKLACES; RINGS; WATCHES, IN CLASS
14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 8-5-2010; IN COMMERCE 8-5-2010.

THE MARK CONSISTS OF THE STYLIZED TEXT "TS".

SER. NO. 85-770,092, FILED 11-2-2012.

KALIE KUNG, EXAMINING ATTORNEY



Exhibit.B.certificate.reg.TS & Design.85,770092

Leea Street Lee

Acting Director of the United States Patent and Trademark Office

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TRADEMARK REGISTRATION**

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See 15 U.S.C. §1059.

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You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

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